



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904


TELEPHONE:
FAX:

(302) 736-7500
(302) 739-4849

June 4, 2015

MEMORANDUM TO FILE

TO: File

FROM: Toni Loper, Public Utility Analyst II 

SUBJECT: IN THE MATTER OF THE JOINT APPLICATION OF FIBERTECH HOLDINGS CORP., FIBER TECHNOLOGIES NETWORKS, LLC, AND SIDERA NETWORKS, INC., LIGHTTOWER FIBER NETWORKS I, LLC AND LIGHTTOWER FIBER NETWORKS II, LLC FOR APPROVAL TO TRANSFER CONTROL OF FIBER TECHNOLOGIES NETWORKS, LLC AND FOR CERTAIN FINANCING ARRANGEMENTS (Filed May 9, 2015)

On May 9, 2015 Fibertech Holdings Corp. ("Fibertech Holdings") and Sidera Networks, Inc. ("Sidera") collectively referred to as the ("Applicants") filed an application with the Delaware Public Service Commission ("Commission") seeking authorization for a transfer of control and to participate in certain financing arrangements subsequent to the transfer of control transaction.

The Applicants have provided notice to the Commission that all parties involved in this transaction have elected to be regulated under the provisions of the Telecommunications Technology Investment Act ("TTIA") Title 26 *Del. C.* §§704-711. Secondly, none of the parties provide switched access or basic services¹ as defined in the above referenced regulations.

Under 26 *Del. C.* §215(d) this Application does not require Commission approval. Therefore, Staff recommends that no further action be taken regarding this application.

¹ Under the provisions of 26 *Del. C.* §706 (e) if a telecommunications service provider elects to be governed under Title 26 Chapter 1, Subchapter VII-A, and offers basic services and switched access services, as defined in 26 *Del. C.* § 705(a)(1), Commission approval is required for transfers of control and financing arrangements, as set forth in § 215(b). The Applicant's engaging in this transaction do not provide basic or switched access service and have elected to be regulated under Subchapter VII-A, Commission approval of transfers of control and financing arrangements are not required.